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16 Attorneys for the United States of America

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 WESTERN DIVISION

20 IN RE:

21 LETTERS ROGATORY FROM

22 THE CANTONAL COURT OF

23 OBWALDEN, SWITZERLAND

24 } CV MISC. NO. 2:22-mc-00131

25 } APPLICATION FOR ORDER  
26 } APPOINTING THE ASSISTANT  
27 } UNITED STATES ATTORNEY AS  
} COMMISSIONER

28 } (28 U.S.C. § 1782(a))

29  
30 The United States of America by the undersigned, Stephanie S. Christensen,  
31 Acting United States Attorney for the Central District of California, by David M.  
32 Harris, Assistant United States Attorney, Chief, Civil Division, by Joanne S.  
33 Osinoff, Assistant United States Attorney, Chief, General Civil Section, petitions  
34 this Court for an Order pursuant to § 1782(a) of Title 28 of the United States Code,  
35 in the form submitted, appointing Joanne S. Osinoff, Assistant United States  
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1 Attorney, Chief, General Civil Section, or her successor in office, as Commissioner  
2 and directing the procurement of evidence from Justin James Benoit who, it has  
3 been determined, resides within the jurisdiction of this Court, pursuant to the terms  
4 and conditions set forth in the Letters Rogatory issued by the above-entitled court  
5 in Switzerland, pertinent to the Melody Jade Inabnit v. Justin James Benoit,  
6 reference number ZV 21004.

7 Attached as Exhibit 1 is a copy of the Letters Rogatory from the court in  
8 Switzerland. The court in Switzerland is asking that the evidence be obtained from  
9 Justin James Benoit.

10 The only restrictions explicitly stated in 28 U.S.C. § 1782 are: (1) that the  
11 request be made by a foreign or international tribunal or any interested person; (2)  
12 that the testimony or material requested be for use in a proceeding in a foreign or  
13 international tribunal; and (3) that the person or entity from whom the discovery is  
14 sought is a resident of or can be found in the district where the application is filed.

15 See In Re Request for Judicial Assistance from the Seoul District Criminal Court,  
16 Seoul, Korea, 555 F.2d 720, 723 (9<sup>th</sup> Cir. 1977); United States v. Sealed 1, Letter  
17 of Request for Legal Assistance from the Deputy Prosecutor General of the  
18 Russian Federation, 235 F.3d 1200, 1205 (9<sup>th</sup> Cir. 2000) (citing Korea at 555 F.2d  
19 at 723 that, “Under the statute the only restrictions explicitly stated are that the  
20 request be made by a foreign or international tribunal, and that the testimony or  
21 material requested be for use in a proceeding in such a tribunal”); In Re Bayer AG,  
22 146 F.3d 188, 192 (3<sup>rd</sup> Cir. 1998).

23 All these requirements are met in this case. First, the request was made by  
24 the Cantonal Court of Obwalden, which is a foreign tribunal. Second, there is a  
25 proceeding in that court entitled, Melody Jade Inabnit v. Justin James Benoit,  
26 reference number ZV 21004, and the evidence being sought is for use in that

1 proceeding by that court. Finally, it has been determined that Justin James Benoit  
2 resides within the jurisdiction of this Court.

3 Therefore, the United States respectfully requests the Court to sign the  
4 Order, being lodged under separate cover, appointing Joanne S. Osinoff, Assistant  
5 United States Attorney, Chief, General Civil Section, or her successor in office, as  
6 Commissioner, and directing the procurement of evidence from Justin James  
7 Benoit, to enable the court in Switzerland to complete the proceedings  
8 before it.

9 DATED: July 12, 2022.  
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11 STEPHANIE S. CHRISTENSEN  
12 Acting United States Attorney  
13 DAVID M. HARRIS  
14 Assistant United States Attorney  
Chief, Civil Division

15 /s/ *Joanne S. Osinoff*  
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17 JOANNE S. OSINOFF  
18 Assistant United States Attorney  
19 Chief, General Civil Section  
20 Attorneys for the United States of America  
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